

Applicants: Paul J. Maddon et al.  
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#### REMARKS

Applicants have amended the specification as shown hereinabove to indicate that the sequence from amino acid residues +1 and +183 referred to in Figure 6, as amended (see **Exhibit B**; discussed below), corresponds to the sequence from amino acid residues 26 to 208 in SEQ ID NO:9. This amendment is supported by Figure 6, as amended, and by the new Sequence Listing attached hereto as **Exhibit A**. Applicants have also made minor formatting changes to replace "(SEQ ID NO 9)" by "(SEQ ID NO:9)". Applicants maintain that these amendments to the specification do not raise any issue of new matter. Accordingly, entry of these amendments into the application is respectfully requested.

Applicants have also substituted new Figure 6, attached hereto as **Exhibit B**, for the Figure 6 originally filed with the application which contains errors. New Figure 6 is identical to original Figure 6 except that the nucleotide at position 153 is changed from a "C" to a "G" and the encoded amino acid is changed from "asn" to "lys". New Figure 6 also has the mature amino terminus beginning at what had been labeled as amino acid position +3 in the originally filed Figure 6. The indicated changes are shown in red ink on a marked-up copy of originally filed Figure 6 which is attached hereto as **Exhibit C**.

The changes to Figure 6 are fully supported in the specification at page 90, lines 11-21 which discloses the N-terminal amino acid sequence of mature T4 protein and notes that the incorrect asn residue shown at position +3 in the original Figure 6 is likely the result of a sequencing error or a mutation introduced during recombinant procedures. The correct nucleotide and amino acid sequences of the T4 cDNA and encoded protein as set forth in new Figure 6 are also disclosed in the specification at pages 23-24, and in SEQ ID NOs. 1 and 2 in the Sequence Listing filed May 12, 2003. Thus, applicants maintain that the substitution of new

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Figure 6 for original Figure 6 does not raise any issue of new matter. Accordingly, applicants respectfully request that the Examiner replace the original Figure 6 by new Figure 6 attached hereto as **Exhibit B**.

Applicants also attach hereto a new "Sequence Listing" which reflects the amendments to Figure 6, i.e., nucleotide 153 in SEQ ID NO:8 has been changed from a "C" to a "G", and amino acid residue 26 in SEQ ID NO:9 has been changed from "Asn" to "Lys".

In compliance with the requirements of 37 C.F.R. §1.823, applicants submit a paper copy of the Sequence Listing, attached hereto as **Exhibit A**. In addition, applicants submit a CRF copy of the Sequence Listing, attached hereto as **Exhibit D**, in compliance with 37 C.F.R. §1.824. Further, applicants attach hereto as **Exhibit E** a Statement in Accordance with 37 C.F.R. §1.821(f), certifying that the contents of the enclosed paper copy of the Sequence Listing and computer-readable form are the same and include no new matter. Accordingly, applicants respectfully request that the Examiner enter the new Sequence Listing (**Exhibits A, D and E**) into the file of this application.

Claims 4-15 are pending in the subject application. By this Amendment, applicants have canceled claims 4-15 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in another application, and have added new claims 16-27.

The presentation of new claim 16 involves the renumbering of claim 15 and an amendment wherein claim 16, instead of reciting an agent "capable of specifically forming a complex with human immunodeficiency virus envelope glycoprotein" as did claim 15, recites an agent "which specifically forms a complex with human immunodeficiency virus envelope glycoprotein." Another amendment replaces the recitation of "Figure 6" by the appropriate SEQ ID

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NO:, i.e., by "SEQ ID NO:9," and the amino acid residues defining the specified amino acid sequence have been changed to reflect the different amino acid numbering in SEQ ID NO:9 as compared to Figure 6. New claim 16 is supported in the specification at, *inter alia*, page 16, lines 3-6 and 14-17; page 29, lines 7-12; and page 91, line 28 to page 92, line 21, and by the Sequence Listing attached hereto as **Exhibit A**. Thus, the addition of new claim 16 raises no issue of new matter.

New claims 17-27 correspond to previous pending claims 4-14, respectively, and are supported in the specification, *inter alia*, as follows: Claim 17: page 16, lines 19-27; Claim 18: page 16, line 32 to page 17, line 2; Claim 19: page 21, lines 3-4 and 12-16; Claim 20: page 21, lines 18-19; Claim 21: page 21, lines 20-21; Claim 22: page 21, lines 21-23; Claim 23: page 21, lines 23-24; Claim 24: page 21, lines 24-26; Claim 25: page 21, lines 26-27; Claim 26: page 21, lines 27-29; and Claim 27: page 21, line 31 to page 22, line 2; page 25, lines 10-17; page 26, lines 18-20; and page 28, lines 19-30. Thus, these claims also do not raise any issue of new matter. Accordingly, applicants respectfully request that the Examiner enter this Amendment. Upon entry of this Amendment, new claims 16-27 will be pending.

#### Objection

The Examiner objected to claims 4-15 because claims 4, 6 and 14 depend from the subsequently numbered claim 15. The Examiner suggested that this objection may be overcome by canceling all the pending claims, and renumbering them in the proper order starting from new claim number 16.

In response, applicants have canceled claims 4-15 and renumbered them in the proper order starting from claim number 16 as suggested by the Examiner. Applicants therefore request that the Examiner withdraw this objection.

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**Rejections under 35 U.S.C. §112, second paragraph**

The Examiner rejected claims 15 and 4-14 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that the recitation of "[a]n agent capable of specifically forming a complex" in claim 15 is vague and indefinite because it is not clear if the claim is directed to an agent having just the capacity for forming, or an agent that actually forms, the complex.

In response, applicants respectfully traverse this rejection. Nevertheless, to expedite prosecution of this application and without conceding the correctness of the Examiner's position, applicants note that new independent claim 16, which corresponds to canceled claim 15, recites an agent which specifically forms a complex with human immunodeficiency virus envelope glycoprotein. New claims 17 and 18, which depend directly or indirectly from claim 16, necessarily recite all of the limitations of claim 16. Accordingly, applicants respectfully submit that new claims 16-18 satisfy the requirements of 35 U.S.C. §112, second paragraph. Applicants also note that new claim 19, and claims 20-27 which depend directly or indirectly from claim 19, do not recite an agent. Applicants maintain, therefore, that the rejection for alleged indefiniteness under 35 U.S.C. §112, second paragraph, does not apply to new claims 19-27.

**Conclusion**

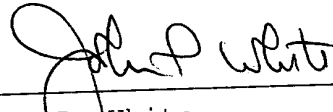
In view of the remarks made herein, applicants respectfully submit that the claims pending in this application are all in condition for allowance. Accordingly, allowance is earnestly requested.

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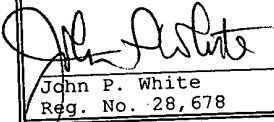
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed fee of four hundred and seventy-five dollars (\$475.00) for a three-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 John P. White Reg. No. 28,678	9/22/04 Date

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**Amendments to the Drawings**

The attached two sheets of drawings (Figures 6A-6B; **Exhibit B**) include changes to Figure 6. These sheets replace the original two sheets including Figures 6A and 6B. Two sheets with annotations in red ink showing the changes to Figures 6A and 6B are attached hereto as **Exhibit C**.